

Karin M. Gunter, Esquire
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ATTORNEY FOR PLAINTIFF,
MARTHA STEELE

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MARTHA STEELE,
Plaintiff

v.

HCI DIRECT,

Defendant.

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Civil Action No. 02-cv-4347

**PLAINTIFF'S MOTION FOR LEAVE TO FILE A SURREPLY BRIEF
IN OPPOSITION TO
DEFENDANT'S MOTION TO DISMISS**

Plaintiff, Martha Steele, by and through her undersigned counsel, Karin M. Gunter, Esquire, respectfully request this Honorable Court leave to file a surreply brief in opposition to Defendant's Motion to Dismiss on the following grounds:

1. Defendant HCI Direct moved this Court for leave to file a reply brief in support of its motion to dismiss Plaintiff's complaint on September 26, 2003.
2. Plaintiff filed and served a Response in opposition of Defendant above reference motion on September 29, 2003.

3. This Court granted Defendant's motion for leave on October 2, 2003.
4. Defendant filed and served its Reply memorandum of law in support of its motion to dismiss on October 8, 2003.
5. Plaintiff seeks to clarify Defendant's factual errors relating to party admissions, actual knowledge, timing, rules of evidence and the like.
6. Plaintiff seeks to file a Surreply Brief substantially similar to what is attached and herein incorporated as Exhibit "A".

WHEREFORE, Plaintiff Martha Steele respectfully request this Honorable Court grant her leave to file a Surreply Brief in Opposition to Defendant's Motion to Dismiss.

Respectfully submitted,

KARIN M. GUNTER ATTORNEY AT LAW

/s/ Karin M. Gunter, Esq.
Karin M. Gunter, Esquire
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Date: October 10, 2003

CERTIFICATION OF SERVICE

I do hereby certify that service of a true and correct copy of the within Plaintiff's Response in Opposition to Defendant's Motion to Dismiss was made on the 10th day of October, 2003 to below named counsel for Defendant via first class U.S. mail, postage pre-paid:

Joseph J. Centeno, Esquire
Obermayer Rebmann Maxwell & Hippell LLP
1617 John F. Kennedy Boulevard
One Penn Center, 19th Floor
Philadelphia, Pennsylvania 19103-1895

/s/ Karin M. Gunter, Esq.
KARIN M. GUNTER, ESQUIRE

Date: October 10, 2003

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ORDER

AND NOW, this day of , 2003, upon consideration of Plaintiff's Motion for Leave to File a Surreply Brief in Opposition of to Defendant's Motion to Dismiss, it is hereby ORDERED that Plaintiff's Motion is GRANTED. Plaintiff may file a Surreply Brief on or about , 2003.

BY THE COURT:

BRUCE W. KAUFFMAN, J.